

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Shana Massie,

Plaintiff,

v.

Carolyn W. Colvin,
Acting Commissioner of Social Security,

Defendant.

Case No. 14-cv-2888 (SRN/FLN)

ORDER

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 30, 2016, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Plaintiff's petition for attorney's fees (Doc. No. 32) as amended by Doc. No. 33-1, are **GRANTED** as follows:

1. Plaintiff's counsel is awarded an attorney's fee in the amount of \$37,095.50;
2. The attorney's fees approved herein shall be paid to Plaintiff's counsel from the funds withheld from Plaintiff's past-due DIB benefits and Plaintiff's children's benefits by the Social Security Administration for payment of attorney's fees;
3. Any additional funds withheld from Plaintiff's retroactive benefits by the Social Security Administration for payment of attorney's fees shall be released to Plaintiff by the Social Security Administration;
4. As required by *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), counsel must refund to Plaintiff the amount of \$6,423.28, which represents the EAJA fees previously awarded to counsel (Doc No. 31).

DATED: September 15, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge